



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 12, 1997

Kimberlee A. Brown  
5 Patriot Way  
North Reading, Massachusetts 01964

RE: MUR 4434

Dear Ms. Brown:

On August 13, 1996, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On September 9, 1997, the Commission, found, on the basis of the information in the complaint, and information provided by you and your husband, Kevin P. Harron, that there is no reason to believe you violated 2 U.S.C. § 441f. Accordingly, the Commission closed its file in this matter as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

This matter will become part of the public record within 30 days after it has been closed with respect to all other respondents involved. The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Tony Buckley, the attorney assigned to this matter at (202) 219-3690.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in dark ink, appearing to be "L. Lerner", written over a horizontal line.

By: Lois G. Lerner  
Associate General Counsel

Enclosure  
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Kimberlee Brown

MUR: 4434

**I. GENERATION OF MATTER**

This matter was generated by a complaint filed with the Federal Election Commission by Nick Baldick of the Florida Democratic Party. See 2 U.S.C. § 437g(a)(1). The complaint was based on a newspaper report appearing in the June 30, 1996 issue of the *Tampa Tribune*.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. The Complaint**

According to the complaint, Mark Sharpe for Congress, the principal campaign committee of Mark Sharpe in the 1994 race for the House seat from Florida's 11th Congressional district ("the Sharpe campaign") violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by reporting inaccurate information on its reports filed with the Commission. Specifically, with regard to a contribution from one Kimberlee Brown, the complaint alleges that Mark Sharpe for Congress should have properly reported her husband, Kevin Harron, an officer at a New England Outback franchise, as the contributor. The complaint suggests that, because the check bore Ms. Brown's signature rather than Mr. Harron's, Ms. Brown and Mr. Harron were involved in the making of a contribution in the name of another which was accepted by the Sharpe campaign.

**B. Response to Complaint**

Mr. Harron and Ms. Brown, who are married, have responded to the allegation that they were somehow involved in an illegal contribution. According to the response, Mr. Harron decided to contribute to the Sharpe campaign, and asked his wife to make out and mail the check. They further state that Ms. Brown handles all of the couple's personal finances.

**C. Applicable Law**

Pursuant to 2 U.S.C. § 441f of the Act, no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. Absent evidence to the contrary, any contribution made by check, money order, or other written instrument shall be reported as a contribution by the last person signing the instrument prior to delivery to the candidate or committee. 11 C.F.R. § 104.8(c).

**D. Analysis**

Here, the check in question contained the pre-printed names of Kimberlee Brown and Kevin Harron. Kimberlee Brown's signature was actually on the check. While both Kimberlee Brown and Kevin Harron may have intended for Kevin Harron to make the contribution, the fact that Kimberlee Brown signed the check means that she is properly considered to be the contributor.

Therefore, there is no reason to believe that Kimberlee Brown violated 2 U.S.C. § 441f.